

Claim Amendments

Applicant has amended Claims 1 and 14 to clarify the invention and not as an attempt to overcome Examiner's 35 U.S.C. § 102 objection. This limitation is supported throughout the specification including at paragraphs 55 and 56. Applicant has also amended Claims 11-12 and 24-25 to clarify the antecedent basis of "the traffic citation". This limitation is supported throughout the specification including at paragraphs 42 and 43. Finally, Applicant has amended Claims 3 and 16 to make the phrase "information protocols" consistent with the independent claims.

No new matter has been added by these amendments and no additional search is necessary.

Claim Objections

In the Office Action dated December 28, 2007 the Examiner objected to pending Claims 3 and 16 for informalities. As the Examiner will see, Applicant has amended the Claims to address the informalities.

Claim Rejections – 35 U.S.C. § 112

In the Office Action dated December 28, 2007 the Examiner has rejected pending Claims 11-12 and 24-25 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner recited the limitation "the traffic citation" had insufficient antecedent basis.

Claim Rejections – 35 U.S.C. § 102

In the Office Action dated December 28, 2007 the Examiner has rejected pending Claims 1-3, 5, 9-10, 13-16, 18, 22-23, and 26 as being anticipated by MacKay, U.S. Patent Application 2003/0083928 A1 ("MacKay"). Claims 1, 3, 11, 14, and 16 are amended in this response and to the extent this rejection still applies to the amended claims, it is respectfully traversed.

To establish a case for anticipation under 35 U.S.C. § 102(e), the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must

be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990).

Applicant respectfully submits that MacKay fails to disclose each and every element. Specifically, MacKay fails to disclose at least the following elements: (i) “providing an on-line parking citation interface to a user, wherein said on-line parking citation interface is remote to said user”; and (ii) “electronically transferring funds at the direction of the user from a predetermined electronic funds source to an electronic account associated with said parking citation issuing authority for settling said parking citation.” Each limitation will be discussed below.

(i) “providing an on-line parking citation interface to a user, wherein said on-line parking citation interface is remote to said user”

Specifically, the Examiner cites generally to MacKay, paragraphs 16 and 17. However, MacKay discloses only a device to be used in person – not remotely: “P&DPM includes a payment slot for credit cards, smart cards and/or cash, a coin return ...” (MacKay, paragraph [0016] and “[i]n operation, the user approaches the P&DPM and presses a user button or a key” (MacKay, paragraph [0017]).

(ii) “electronically transferring funds at the direction of the user from a predetermined electronic funds source to an electronic account associated with said parking citation issuing authority for settling said parking citation”

Specifically, the Examiner cites generally to MacKay, paragraphs 18 and 19. However, MacKay discloses only using physical payment devices such as “cash, credit card, smart card, debit card” (MacKay, paragraph 18). Whereas, the common meaning of “electronically transferring funds” includes additional payment devices such as electronic checks, automated clearing house transfers, and/or wire transfers.

In view of the above, MacKay fails to disclose every element contained in Claim 1, nor does MacKay show the invention in as complete detail as in Claim 1. Thus, independent Claim 1 is patentable over MacKay. Further, independent claim 14 includes at least the same patentable limitations as independent Claim 1 and therefore, is patentable for at least the same reasons as independent Claim 1. Dependent claims are allowable for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of this rejection.

As to Claim 13, MacKay fails to disclose at least the following element: “enabling a user to interface to existing parking management software associated with the issuing authority.”

MacKay discloses only of “the P&DPM [having] the facility of allowing the payment information to be *collected remotely...*” by the parking authority. (MacKay, Paragraph [0020], emphasis added). This is not the same as allowing a user to interface with the issuing authority’s parking management software.

In view of the above, MacKay fails to disclose every element contained in Claim 13, nor does MacKay show the invention in as complete detail as in Claim 13. Further, claim 26 includes at least the same patentable limitations as Claim 13 and therefore, is patentable for at least the same reasons as Claim 26.

Claim Rejections – 35 U.S.C. § 103

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP § 2143.03). In addition, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (MPEP § 2143.03). Finally, “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” (MPEP § 2143.03).

Claims 4, 7-8, 12, 17, 20-21, and 25

In the Office Action dated December 28, 2007 the Examiner has rejected pending Claims 4, 7-8, 12, 17, 20-21, and 25 as being obvious over MacKay, U.S. Patent Application 2003/0083928 A1 (“MacKay”) in view of Official Notice.

Applicant notes that Examiner rejected Claims 17, 20-21, and 25 as “parallel with the limitations in claims 1-3, 5, 9-10 and 13; thus, they are rejected on the same basis.” (See Office Action dated December 28, 2007, page 6). However, Claims 1-3, 5, 9-10, and 13 do not contain parallel limitations to Claims 17, 20-21, and 25 nor were Claims 1-3, 5, 9-10, and 13 rejected as being obvious under 35 U.S.C. § 103(a). Applicant assumes this was merely an oversight and Examiner intended Claims 17, 20-21, and 25 to be rejected as obvious because they are parallel with the limitations in Claims 4, 7-8, and 12.

Claims 6 and 19

Examiner has also rejected pending Claims 6 and 19 as being obvious over MacKay, U.S. Patent Application 2003/0083928 A1 (“MacKay”) in view of Admasu et al., U.S. Patent Application 2002/0032601 A1 (“Admasu”). The rejection is respectfully traversed.

Examiner generally cites to Admasu, paragraphs 25-27 and 32 as teaching “enabling a user to perform setup of merchant accounts.” (*See* Office Action dated December 28, 2007, page 7). However, Admasu only teaches of setting up a stored value style account for an end user. There is absolutely no discussion of setting up a merchant account. For reference, the common meaning of merchant account is a type of account that allows a person and/or business to accept payment card transactions (credit cards, debit cards, etc.) of a particular card association brand (e.g. American Express®, Visa®, MasterCard®, Discover®, Diners Club®, etc.). This is very different from merely accepting a credit card to fund an account as disclosed in Admasu. In fact, in order to accept the credit card to fund an account the entity accepting the payment must already have a merchant account.

In light of the above, MacKay, even in view of Admasu, fails to teach or suggest all the Claim limitations of Claims 6 and 19; therefore, Claims 6 and 19 are patentable over MacKay even in view of Admasu.

Claims 11 and 24

Examiner has also rejected pending Claims 11 and 24 as being obvious over MacKay, U.S. Patent Application 2003/0083928 A1 (“MacKay”) in view of Dutta et al., U.S. Patent Application 2003/0055701 A1 (“Dutta”). Examiner references Examiner’s arguments regarding “MacKay teach[ing] a user to interact on-line for performing parking citation settlement transactions as discussed in claim 1 above.” (*See* Office Action dated December 28, 2007, page 7). Applicant respectfully directs Examiner to Applicant’s amendment and arguments regarding Claim 1 set forth above and submits MacKay fails to teach of a user interacting on-line for performing parking citation settlement; therefore, Claims 11 and 24 are patentable over MacKay even in view of Dutta.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests allowance of Claims 1-26. Applicant thanks the Examiner for consideration of the above.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Please reference Attorney Docket No. TRAF001US0.

While Applicant does not believe any additional fees are due as a result of this response, if any fees are due, the Commissioner is hereby authorized to charge HULSEY IP Lawyers, P.C. Deposit Account No. 50-3835.

Respectfully submitted,

By: William N. Hulsey III
William N. Hulsey III
Reg. No. 33,402
Attorneys for Applicant

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Hulsey^{IP} Intellectual Property Attorneys, P.C.
919 Congress Avenue
Suite 919
Austin, Texas 78701
(512) 478-9190 [Telephone]
(512) 478-9192 [Fax]